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RUEHMO/AMEMBASSY MOSCOW 2396  
RUEHBJ/AMEMBASSY BEIJING 6310  
RUEHKO/AMEMBASSY TOKYO 3189  
RHEBAAA/DEPT OF ENERGY WASHINGTON DC  
RUEHLMC/MILLENNIUM CHALLENGE CORP WASHINGTON DC  
RUCPDO/DEPT OF COMMERCE WASHINGTON DC  
RHEHAAA/NSC WASHINGTON DC  
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SENSITIVE  
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STATE FOR EAP/CM, DRL AND INR/EAP

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SUBJECT: ONE MONTH AFTER MONGOLIAN RIOTING, POLITICAL IMPASSE  
CONTINUES

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¶1. (SBU) SUMMARY: One month after post-election violence left five people dead, hundreds injured and the ruling party's HQ destroyed, Mongolia's two biggest parties remained locked in a stalemate over election results and the legitimacy of the new Parliament. Allegations of fraud against the ruling party continue, but no physical evidence has been produced. While 10 seats remain contested, the ruling party has been awarded a majority, with at least 39 seats. 182 people continue to be detained by authorities in the July 1 violence, with demands for release, indictments and/or or bail becoming increasingly vocal by the public. END SUMMARY.

¶2. (SBU) Mongolia's opposition Democratic Party (DP) continues to allege election fraud by the ruling Mongolian People's Revolutionary Party (MPRP) in the June 29 Parliamentary elections, but the Democrats have declined to make public any physical evidence in support of this claim. The Democrats say they have, however, presented evidence of election fraud to the General Election Commission (GEC). The MPRP speaks quietly of election fraud by the DP, and attributes the MPRP's strong showing to a popular desire for stability, and to a flawed election strategy by the DP. The Democrats, who according to one survey enjoyed a 4-percentage-point lead over the MPRP as little as seven weeks before the elections, were greatly surpassed by the MPRP at the polls, according to formal results announced by the GEC's Chairman. In response to allegations of fraud in the latest elections, electoral authorities are reviewing results in three of the country's 26 electoral districts. With this in mind, the GEC has confirmed the winners of only 66 Parliamentary seats; the 10 remaining seats are still contested.

DEMOCRATS TARGET GEC CHIEF  
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¶3. (SBU) The 10 remaining seats are not all that is disputed. The opposition DP says that although it accepts the first batch of election results announced on July 10 by GEC Chairman Battulga (a former MPRP MP) -- which gave the MPRP 36 seats and the DP 25 -- the Democrats do not accept Battulga's July 14 announcement of more election results. The DP maintains that Battulga violated the law by making this announcement without first consulting with other GEC members. (Note: According to the July 14 results, the MPRP won 39 seats, enough for a slim majority in the 76-seat Parliament. End Note.)

¶4. On July 23, all 66 GEC-recognized newly elected MPs gathered at Government house for the new Parliament's opening session. Following a speech by President Enkhbayar and a statement by

Battulga, the GEC chief faced a lengthy and vitriolic grilling by DP MPs who accused him of ineptitude, MPRP favoritism and worse. (Note: The Constitutional Court, or at least one of its judges - B. Purevnyam - has since deemed Battulga's July 14 statement "unlawful." End Note.)

#### PARLIAMENTARY WALKOUT

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15. (SBU) Three hours into the July 23 "session" at Parliament, all 25 GEC-recognized newly elected Democratic MPs walked out before taking the oath of office, saying, among other things, that the entire nine-commissioner GEC should resign, along with the chief of police. They insisted that the July 10 results be recognized. (Note: On July 29, President Enkhbayar called anew for newly elected MPs to gather in Parliament, but 23 of the 25 Democratic MPs failed to appear. End Note.) Since then, two five-member so-called "consensus-building" teams from the MPRP and DP have held on-again, off-again talks aimed at finding a way out of the impasse. The two parties have not even been able to agree on whether the new Parliament has technically opened its first session; the MPRP maintains that in the absence of oath-taking, Parliament is not in session. The DP, on the other hand, points out that the President and the GEC Chairman addressed the newly elected MPs, as required by law, and that the session has commenced even without the swearing in of new lawmakers. There were indications on July 31 that the MPRP was moving toward acceptance of the DP's demand that 62 MPs - the number cited by the GEC in Battulga's July 10 statement - would be sworn in on August 4; however, post has not yet been able to confirm this with the MPRP.

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#### SMALL PARTIES, BIG LOSERS

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16. (SBU) The big losers were not the Democrats, who appear poised to slightly increase their seat total in Parliament (once the final election results are completed), but the smaller parties and independents. (Note: Seven parties gained seats in Parliament in the 2004 elections - the MPRP, DP, New National, Motherland, Civil Will, Republican and People's parties. In 2008, however, members of only three parties - the MPRP, DP and Civil Will - along with one independent, were elected to Parliament, according to the current GEC results. End Note.) On July 30, Secretary General Tsogtgerel of the New National Party (NNP), which went from four Parliamentary seats to four years in the political wilderness, met with Emboffs and expressed exasperation over recent political developments. Tsogtgerel called the level of recent election fraud "shameless" and said the MPRP and DP had conspired to rig the elections at the expense of smaller parties. (Note: Tsogtgerel did not provide any material evidence to support this allegation. End Note.)

17. (SBU) Tsogtgerel asked why international organizations and observers had called the elections "free and fair." (Note: Emboffs responded that the USG had never characterized the June 29 elections as "free and fair," stating instead that the Embassy's Election Monitoring Team did not, on Election Day, see any indication of systematic or widespread fraud. End Note.) Republican Party chief Zorigoo, whose party lost its sole seat in Parliament, met the same day with Emboffs and said the election fraud was "obvious," with open transfers of money and goods occurring. (Note: Like the DP, the NNP and other parties, including the Social Democrats, Civil Movement and the Green Party, the Republican Party was either unwilling or unable to provide any physical evidence of election fraud. End Note.)

#### INDEPENDENTS LIVID

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18. (SBU) Although 56 independents ran for Parliament in the recent elections, only one - popular journalist Z. Altai - has been confirmed as winning office. On July 29, Emboffs met with one of the other 55: J. Zanaa, a prominent human rights activist and leading figure in the women's rights movement in Mongolia. She said, without elaboration, that she had faced "deep harassment"

during the campaign season, adding that there was no way independents could compete with candidates from the MPRP and DP, which she said spent up to \$2 million in support of each candidate. Zanaa said that the two Civil Movement leaders currently in detention in connection with the July 1 mayhem did not take part in the violence and are being held merely for exercising freedom of speech. Zanaa said election fraud was widespread on June 29, but conceded that she had no evidence to support this assertion. She also blamed law-enforcement officials for "agitating" the demonstrators outside of the MPRP HQ on July 1, adding that these officials are responsible for the shooting deaths that occurred.

COMMENT

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19. (SBU) The prospects for a near-term solution to Mongolia's political impasse seem bleak. To review only some of the problems:

-- The ruling MPRP and opposition DP disagree over whether the latest (July 14) elections results are valid;

-- The MPRP and DP disagree over whether the 182 detainees who remain behind bars in connection with the July 1 violence should be released or not;

-- The MPRP and DP disagree over whether the new Parliament has held its opening session, as required by law within 30 days of the national elections. (This may open the door for intervention by the Supreme Court or the entire Constitutional Court, bodies not always known for efficiency or impartiality);

-- The GOM has not announced any public steps to address allegations that detainees have been mistreated or tortured;

-- Law enforcement has not named any suspects or announced any arrests of suspects responsible for the July 1 killings;

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11. (SBU) As usual, the rumor mill is firing on all turbines. Some say a coalition government will be formed, although we see this as difficult for the MPRP to stomach. Others say the DP will agree to recognize Battulga's July 14 election results, but only if the MPRP gives it wide latitude in the rewriting of the Election Law and amendment of the Constitution (with regard to elections). (Note: We have heard that the MPRP and DP are in general agreement that both the Election Law and the Constitution are in need of amendment. We also hear that both parties agree that the new Parliament should focus, as its first priority, on amendment of the Law on Mineral Resources. End Note.)

12. (SBU) Post believes that time is on the side of the MPRP, and that the Democrats will lose public support the longer they continue their boycott of Parliamentary proceedings. In the absence of unified action by the entire political opposition -- which, like more violent demonstrations, cannot be ruled out -- the MPRP is likely to continue its domination of Mongolia's political system. Post will continue to urge peaceful reconciliation to end the current impasse. We hope, however, that all of those responsible for bloodshed or destruction -- civilians or public servants -- will be held accountable. If Mongolia fails to take meaningful action in support of rule of law at this critical juncture, the wrong message will be sent to hooligans and their political patrons, and the rioting of July 1 could be repeated on a larger scale.

MINTON